

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 7797

BILL NUMBER: SB 503

NOTE PREPARED: Apr 14, 2003

BILL AMENDED: Apr 10, 2003

SUBJECT: Railroad Whistle Ordinances.

FIRST AUTHOR: Sen. Riegsecker

FIRST SPONSOR: Rep. Hasler

BILL STATUS: As Passed - House

FUNDS AFFECTED: **GENERAL**
 X DEDICATED
 X FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill: (1) authorizes the Department of Transportation (INDOT) to create pilot railroad crossing safety projects; (2) permits the procedure for adopting a local ordinance concerning the use of train whistles to apply to a rail corridor, instead of to a single railroad crossing, and requires an ordinance prohibiting train whistles to include specific language; (3) requires the safety study required of INDOT after the ordinance is adopted to consider certain items; and (4) prohibits INDOT from revoking its permission for regulating the use of train whistles after the ordinance is adopted, and requires INDOT to grant permission in certain circumstances.

Effective Date: July 1, 2003.

Explanation of State Expenditures: (Revised) (1) Creating pilot railroad crossing safety projects to improve railroad crossing safety will have an indeterminable impact and will depend upon the type and duration of the projects. The funds affected are the State Highway Fund and potentially federal and local funds.

(2) The bill requires that signs be posted at all crossings that prohibit the sounding of a whistle or the ringing of a bell to warn the public that trains do not sound whistles or ring bells at the crossing. The total cost will depend upon the number of such crossings for which the INDOT has responsibility. Two signs will be posted at each crossing. The signs are estimated to cost \$90 each, or \$180 per crossing. The fund affected is the State Highway Fund.

(3) The INDOT reports that they can complete the studies required within the 120-day time period. In addition, the new items listed for consideration by the INDOT in making determinations already are a part of the protocol followed by the INDOT.

(4) This part may add to administrative costs associated with the implementation of ordinances at the local level and the permission granted by the INDOT. The fund affected is the State Highway Fund.

Explanation of State Revenues:

Explanation of Local Expenditures: (Revised) (1) Creating pilot railroad crossing safety projects to improve railroad crossing safety will have an indeterminable impact and will depend upon the type and duration of the projects. The funds affected are the State Highway Fund and potentially federal and local funds.

(2) The bill requires that signs be posted at all crossings that prohibit the sounding of a whistle or the ringing of a bell to warn the public that trains do not sound whistles or ring bells at the crossing. The total cost will depend upon the number of such crossings for which the local unit has responsibility. Two signs will be posted at each crossing. The signs are estimated to cost \$90 each, or \$180 per crossing.

(4) This part prohibits INDOT from revoking its permission for regulating the use of train whistles after the ordinance is adopted and requires INDOT to grant permission in certain circumstances. It is unclear how this part will impact local units fiscally.

It is unclear how allowing whistles and bells to be used under certain circumstances will impact the INDOT as described in the following paragraph.

The INDOT is responsible for grade crossing safety. Whistle bans increase the risk at crossings. According to INDOT, allowing the crossings involved to be viewed as a corridor (a series of crossings through a city) allows potential cost savings to local units. The savings may be accomplished by the elimination of some crossings in the corridor. Crossing eliminations are a safety improvement. These improvements will counteract the elimination of whistles. This will vary by site and would require an engineering study to verify the safety of the remaining crossings. Local units may not incur additional costs for added protection at the remaining crossings because of the closures. The INDOT is following the Federal Railroad Administration (FRA) guidelines in this matter.

State Agencies Affected: Department of Transportation.

Local Agencies Affected: Those units with crossings in a rail corridor.

Information Sources: Mike Scime, Manager, Railroad Division, Department of Transportation, 232-1491; Larry Goode, Chief of Multi-Modal Division, Department of Transportation, 232-1495; Tom Beck, Railroad Division, Department of Transportation, 232-1478.

Fiscal Analyst: James P. Sperlik, 232-9866.